

To : Fairfax County Board of Supervisors

From : Gerry Hyland, Supervisor  
Mount Vernon District

Subject: **BOARD MATTERS for January 8, 2013**

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For your consideration, I submit the following Board Matters accompanied by a brief explanation. Your support will be appreciated.

- 1. Request for Waive the Zoning Fees for the Northern Virginia Radio Club to Amend the Special Exception for Radio Controlled Aircraft Flights at the I-95 Landfill Complex**
- 2. Smoking Rebuttal**

# **1. Request for Waive the Zoning Fees for the Northern Virginia Radio Club to Amend the Special Exception for Radio Controlled Aircraft Flights at the I-95 Landfill Complex**

## ***Background***

The Northern Virginia Radio Control Club (NVRC) is a non-profit, 501 (c)(3), based out of Chantilly whose members have organized to provide the facilities and foster the interchange of information for its members to enjoy and further their skills in building and flying radio controlled model aircraft. Currently, Fairfax County only permits NVRC to fly their aircraft in one location in Chantilly. NVRC seeks to fly their aircraft at the I-95 Landfill Complex off Furnace Road in the Mount Vernon District. The South County Federation and Department of Public Works supports the proposal. While staff in the Department of Planning and Zoning is supportive of the club's efforts to fly their model aircraft at the site, because they collect dues from members, staff has not been able to interpret their request as a public use as I had urged them to do. To further compound NVRC's problems, the organization was created at the behest of staff so they could obtain insurance against damages and liability. So the creation of a club to obtain insurance has created the need to file a SEA, which they otherwise would not have to do if the site was open to the public.

The zoning application filing fee is an insurmountable obstacle for the club and constitutes a hindrance of their ability to enjoy a new location to practice their hobby. The County Attorney has concluded that their status as a tax-exempt organization permits the Board of Supervisors to grant a waiver of the zoning application filing fee.

## ***Proposed Action***

Therefore, Madam Chairman, I move that the Board of Supervisors authorize the filing of a Special Exception Amendment on Board owned property at tax map numbers 113-1 ((1)) lots 14 and 15 as well as tax map number 107-3 ((1)) lot 20. I further move that the Board of Supervisors waive the filing fees for the zoning application on those same tax map numbers.

*This motion should not be construed as a favorable recommendation on any application by the Board, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. This action in no way prejudices the substantive review of the application.*

## **2. Smoking Rebuttal**

### ***Background***

On December 7, 2012, the Office of the County Attorney responded to the Board of Supervisor's questions related to the regulation of smoking. The opinion definitively answered the questions that the Board of Supervisors, by Virginia law, cannot consider an applicant's use of tobacco products in hiring decisions nor can we make abstinence from tobacco usage a condition of employment as we do for public safety employees. Fairfax County does have the authority to educate and encourage our employees to get training on the health benefits of smoking cessation as part of our training programs on job skills and health and well-being.

I would like to see an expansion of our current training program to involve county employees who use tobacco products with an aim to encourage them to quit. Furthermore, I would like the Board to endorse legislation that would grant more authority to local governments to extend the prohibition to other areas like our public parks, public schools grounds, playgrounds and other appropriate locations deemed by the Board.

### ***Proposed Action***

Therefore, Madam Chairman, I move that the Board of Supervisors refer this matter to the Board's Personnel and Reorganization Committee and Legislative Committee for discussion.